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May 31, 2024

VIA ECF and EMAIL

Hon. Richard Mark Gergel, U.S.D.J.
U.S. District Court for the District of South Carolina
P.O. Box 835
Charleston, South Carolina 29402
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Crystal_perry@scd.uscourts.gov

Re: Aqueous Film-Forming Foams Products Liability Litigation
Tina Poynter-Abell v. Leo M. Ellebracht Company, et al.
Case No.: 2:21-cv-00365-RMG
MDL No. 2:18-mn-2873-RMG

Dear Judge Gergel:

Our office represents Defendant, Leo M. Ellebracht Company.

On May 24, 2024, the parties appeared before Your Honor via telephone conference to discuss plaintiff's and Leo M. Ellebracht Company's joint motion to approve a settlement of this matter. During the conference, Your Honor indicated that the Settlement Release and Agreement, previously agreed to and executed by Plaintiff, Tina Poynter-Abell, would not be approved by the Court if it contained the Confidentiality Provision (Paragraph 5) and the Indemnification Provision (Paragraph 8). During the conference, Leo M. Ellebracht Company agreed to striking the confidentiality provision of the Settlement Agreement, but our office requested additional time to confer with our clients as to removal of the indemnification provision.

At this time, Leo M. Ellebracht Company agrees to the Settlement Agreement and Release without the Confidentiality and Indemnification provisions, Paragraphs 5 and 8 respectively. Plaintiff's counsel has confirmed that Mrs. Poynter-Abell also agrees to the settlement with the removal of that language. As a result, the parties respectfully request that Your Honor issue an Order approving the settlement.

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If Your Honor requires an additional hearing to discuss this matter on the record, counselors for Plaintiff and Leo M. Ellebracht Company are available at Your Honor's discretion.

We thank Your Honor for his consideration.

Respectfully submitted,

/s/ Timothy E. Corrison

Timothy E. Corrison

cc: Andrew K. Smith, Esq.
Nancy R. Mogab, Esq.